

REMARKS

Introduction

The above amendments and these remarks are responsive to the Office action mailed December 12, 2005. Claims 1–9 and 19 are herein canceled without prejudice, and the rejections of these claims are accordingly moot. The remaining claims 10–18 were rejected as follows:

- Claims 10–18 were rejected as being anticipated by U.S. Patent No. 4,739,992 to May;
- Claims 10–16 and 18 *also* were rejected as being anticipated by U.S. Patent No. 6,446,969 to Denoual; and
- Claim 17 *also* was rejected as being obvious over Denoual in view of May.

Applicants have amended claims 10, 12, and 13 in a good faith effort to place the application in condition for allowance by defining their inventions in claims that will give applicants the patent protection to which they are justly entitled. As such, even though these amendments are presented after the mailing of a final Office action, the Examiner's consideration is respectfully requested.

The amendments are supported in the application as filed, and no new matter is entered (*see, e.g.*, paragraphs [0027]–[0035] and Figs. 4–13, describing methods of game play). In view of the amendments, the remaining rejections are believed to be moot. New claims 20–22, are supported in the application as filed (*Id.*), are similar in scope to the pending claims, and are believed to be allowable in view of the references of record. New claims 20–22 are believed to present no new issues to be considered. As such, in light of the explanatory remarks below, applicants respectfully request allowance of the pending claims.

Rejections under 35 USC § 102

Independent claim 10 has been amended to recite, in part, “*manipulating a first game piece displaying first player alignment indicia so that the directional indicia of the first game piece indicates a game piece displaying second player alignment indicia.*” Applicants note that neither of the references relied upon for the rejection of this claim disclose or suggest at least this step.

For example, the game play taught by May does not include any reference to such a step. The portion of the reference cited in the Office action is limited to a suggestion of flipping a captured game piece (3:51-59). However, the methods of game play disclosed do not teach or suggest manipulating a first game piece as recited in claim 10. Indeed, the disclosed method of game play does not indicate that directional indicia are even used (4:12–5:36).

Similarly, the game play taught by Denoual lacks any teaching or suggestion that game pieces are manipulated as recited in amended claim 10; indeed, as noted previously, the indicia on the Denoual game pieces (a ring or circle located in the exact center of a circularly shaped game piece) cannot indicate a direction, much less indicate another game piece.

Also, neither reference discloses or suggests “*turning the indicated game piece to display the same player alignment indicia as that displayed on the first game piece,*” as recited in amended claim 10. As discussed above, neither reference discloses manipulating game pieces to indicate other game pieces. It follows that neither reference discloses turning any game pieces so indicated.

Thus, since the cited references have been demonstrated to lack at least two steps recited in claim 10, the rejections are believed to be moot. Accordingly, applicants request that the rejections of claim 10, and of all pending claims depending therefrom, be withdrawn.

Rejections under 35 USC § 103


As demonstrated above, neither of the cited references discloses at least the aforementioned elements, or steps, of amended claim 10. It follows that the proposed combination of references fails to render pending claim 17, which depends from claim 10, obvious.

Conclusion

Applicants believe that this application is now in condition for allowance, in view of the above amendments and remarks. Accordingly, applicants respectfully request that the Examiner issue a Notice of Allowance covering the pending claims. If the Examiner has any questions, or if a telephone interview would in any way advance prosecution of the application, please contact the undersigned attorney of record.

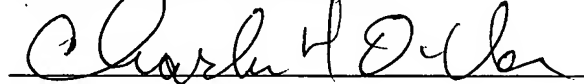
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